IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 7317 OF 2007

Sudhirkumar Murlidhar Gujrathi .... Petitioner

versus

The Addl. Commissioner
and Special Registrar & anr..... Respondent.

Shri S.M.Sabrad for the petitioner
Ms. P.S.Cardozo AGP for respondent.

CORAM; A.P. DESHPANDE, J.
DATED; 31ST OCTOBER, 2007

P.C.;

1. An order under section 78 has been passed declaring that the petitioner stands disqualified on account of he being a defaulter and as provisions of section 73(FF) are attracted. The petitioner without filing an appeal straightway approached this court by making a greivance that even the copy of the order has not been made available to the petitioner. The learned AGP has handed over copy of the order of disqualification passed by Additional Commissioner. The said order is appealable. Hence the learned counsel for the petitioner seeks permission to withdraw the Writ Petition with liberty to file an appeal against the order dated 17-8-2007. Allowed to be withdrawn with liberty as prayed for. At this

stage the learned counsel for the petitioner submits that while filing an appeal the petitioner may face a hurdle in regard to the limitation. This petition had been filed on 28-9-2007 and thus the time spent before this court from 28-9-2007 till date, need to be condoned if an appropriate application is made, as the petitioner was bonafidely litigating before a wrong forum. With this observation the writ petition is disposed of.

2. Parties to act on an authenticated copy of this order.

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